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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	Case No.: CR 11-70696-MAG
	)	
Plaintiff,	)	<b>STIPULATION AND <del>[PROPOSED]</del></b>
	)	<b>ORDER CONTINUING PRELIMINARY</b>
vs.	)	<b>HEARING DATE</b>
	)	
GIUSEPPE PENZATO and	)	
KESIA PENZATO,	)	
	)	
Defendants.	)	

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Plaintiff, by and through its attorney of record, Owen Martikan, and defendants, by and through their attorneys of record, Douglas Schwartz on behalf of Defendant Giuseppe Penzato and Gail Shifman on behalf of Kesia Penzato, hereby stipulate and ask the Court to find as

STIPULATION & ~~[PROPOSED]~~ ORDER  
CONTINUING PRELIMINARY HEARING

1 follows:

2 1. That the parties are currently scheduled for a preliminary hearing date of November  
3 17, 2011 at 9:30 a.m. That additional discovery material, including translations of Portuguese  
4 language audio files, will be produced by the government which the defense needs to review.  
5 The parties have been in continuous discussions and believe that additional time for discovery  
6 production and review will facilitate ongoing discussions between the parties.  
7

8 2. That the parties request that the Court vacate the November 17, 2011 preliminary  
9 hearing date and continue it until December 19, 2011 at 9:30 a.m. before the duty Magistrate  
10 Judge.  
11

12 3. That Defendants Giuseppe and Kesia Penzato have been advised of and consent to the  
13 extension of time for the preliminary hearing beyond the time limit contained in Federal Rules of  
14 Criminal Procedure 5.1(c).  
15

16 5. That the parties agree that the failure to grant such a continuance would unreasonably  
17 deny counsel the reasonable time necessary for effective preparation, taking into account the  
18 exercise of due diligence and that November 17, 2011 through December 19, 2011 should be  
19 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A),  
20 on the basis that the ends of justice are served by taking such action which outweigh the best  
21 interest of the public and the defendant in a speedy trial and also under subsection (B)(iv) for  
22 effective preparation of counsel, taking into account the exercise of due diligence.  
23

24 Dated: November 16, 2011

\_\_\_\_\_/s/  
Owen Martikan  
Assistant United States Attorney

26 Dated: November 16, 2011

\_\_\_\_\_/s/  
Douglas Schwartz  
Attorney for Defendant Giuseppe Penzato

28 STIPULATION & ~~PROPOSED~~ ORDER  
CONTINUING PRELIMINARY HEARING

1 Dated: November 16, 2011

2 /s/  
3 Gail Shifman  
4 Attorney for Defendant Kesia Penzato

5 **[PROPOSED] ORDER**

6 This matter having come before the Court upon the Stipulation of the parties and GOOD  
7 CAUSE APPEARING,

8  
9 IT IS ORDERED That the November 17, 2011 preliminary hearing date shall be vacated  
10 and continued until December 19, 2011 at 9:30 a.m. before the Duty Magistrate Judge;

11 IT IS FURTHER ORDERED that the time from November 17, 2011 through December  
12 19, 2011 shall be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C.  
13 §§ 3161(h)(7)(A) and (B)(iv), to provide the defense time to review discovery and for effective  
14 preparation. The Court finds that (A) failure to grant the continuance would unreasonably deny  
15 defendants the reasonable time necessary for effective preparation, taking into account the  
16 exercise of due diligence; and (B) the ends of justice served by the continuance outweigh the best  
17 interests of the public and the defendants in a speedy trial. *See* 18 U.S.C. § 3161(h)(1)(7)(A) &  
18 (B)(iv).  
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20  
21 Dated: November 17, 2011

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United States District Court  
Northern District of California  
Judge Joseph C. Spero  
Judge